

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: John P. Yardley et al.
Application No.: Not yet assigned Group Art No.: 1625
Filed: October 24, 2003 Examiner: B. Robinson
For: Ethers of O-Desmethyl Venlafaxine
Confirmation No.:
Customer Number: 25291



Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR TRANSMITTAL UNDER 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s): John P. YARDLEY; Magid A. ABOU-GHARBIA; John W. ULLRICH

; For: Ethers of O-Desmethyl Venlafaxine.

1. This new application is for a:
☐ Divisional
☐ Continuation
☒ Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 120)
This new application being transmitted claims the benefit of prior U.S. application(s)
Application No. 10/315,699, filed on December 10, 2002.
3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
☒ Pages of specification – 11 pages
☐ Sequence Listing – pages on
☐ CD-ROM or CD-R (2 copies); or
☐ Paper
☒ Pages of claims – 5 pages
☒ Page(s) of abstract – 2 pages
Sheets of drawing – pages
☐ Formal
☐ Informal

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU947815949US addressed to the Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

10-24-03
Date

John R. Barker
John R. Barker

4. Additional papers enclosed

- ☒ Information Disclosure Statement
- ☒ Form PTO-1449
- ☐ Citations
- ☐ Statement of Biological Deposit
- ☐ Computer Readable Form of Sequence Listing
- ☐ Statement Under 37 CFR 1.821(f)
- ☒ Application Data Sheet
- ☒ Other: Communication

5. Declaration

- ☐ Copy from a prior application (37 CFR 1.63 (d)) is enclosed
- ☐ New declaration enclosed and executed by all inventor(s)
- ☒ New declaration not enclosed or not executed by all inventor(s)

6. Assignment

An assignment of the invention to:

Wyeth
Five Giralda Farms
Madison, New Jersey 07940

- ☐ was made in the prior application and recorded in PTO on _____, Reel _____, Frame _____.
- ☐ is attached under separate Recordation Form Cover Sheet.
- ☒ will follow.

7. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments

- ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.) A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 01-1425.

10. Filing Fee Calculation

CLAIMS AS AMENDED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA x RATE		(4) BASIC FEE
				\$750.00
TOTAL CLAIMS	22	2	x \$ 18.00	36.00
INDEPENDENT CLAIMS	4	1	x \$ 84.00	84.00
MULTIPLE DEPENDENCY FEE			\$ 280.00	
Total Filing Fee:				\$870.00

11. Fee payment being made at this time: \$870.00

12. Method of Payment of Fees:

Charge Deposit Account No. 01-1425 in the amount of \$870.00

A duplicate of this transmittal is attached.

13. Instructions as to Overpayment:

Credit any overpayment to Deposit Account No. 01-1425.

14. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 01-1425:

☒ 37 CFR 1.16(a), (f), or (g) filing fees

☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims

☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.

☒ 37 CFR 1.17 application processing fees

15. Relate Back (35 USC 120)

☐ Amend the Specification as requested in the accompanying Preliminary Amendment to insert before the first line the sentence:

--This is a divisional of copending application(s) application number _____ filed on _____ the entire disclosure of which is hereby incorporated by reference.--

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

☐ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

- (b) ☒ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)
- ☒ the same
- ☐ the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

- (a) ☐ Extension of Time in Prior Application
- ☐ A petition, fee and response extends the term in the pending prior application until
- ☐ A copy of the petition filed in the prior application is attached.
- (b) ☐ Conditional petition for Extension of Time in Prior Application.
- ☐ A conditional petition for extension of time is being filed in the pending prior application.
- ☐ A copy of the conditional petition filed in the prior application is attached.

18. **REQUEST AND CERTIFICATION UNDER 35 U.S.C 122(b)(2)(B)(i).**

- ☐ A request not to publish this application and certification under 35 U.S.C. 122(b)(2)(B)(i) is attached.


19. SEND CORRESPONDENCE TO:

Customer Number: 25291

DIRECT ALL TELEPHONE CALLS TO:

Name: Rebecca R. Barrett
Tel. No. (484) 865-8607

20. ☒ Return Receipt Postcard is attached.


Rebecca R. Barrett
October 24, 2003
Attorney for Applicants
Reg. No. 35,152

Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940
Tel. No. (484) 865-8607

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COMMUNICATION

Sir:

This is a continuation-in-part of U.S. Application Serial No. 10/315,699, filed on December 10, 2002 (hereinafter referred to as "parent application"). Please consider the following remarks prior to examining the application.

Status of Claims

Claims 1-22 are pending.

Remarks

Claims 1-22 are new relative to the parent application and claim subject matter fully supported by the parent application.

No new matter is added by the new claims.

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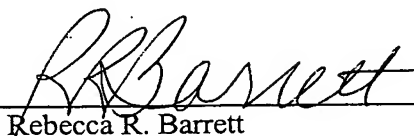
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CONCLUSION

Early and favorable notification of allowance of all pending claims is earnestly requested.

A handwritten signature in black ink, appearing to read "R Barrett", is written over a horizontal line.

Rebecca R. Barrett
October 24, 2003
Attorney for Applicants
Reg. No. 35,152

Wyeth
Patent Law Department
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Madison, NJ 07940
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